

REMARKS/ARGUMENTS

Claims 1-16 are pending. No claims have been allowed.

The applicants thank the Examiner for the courtesy of conducting a telephonic interview on December 9, 2002. In the interview, Examiner Kemmerer indicated that the claims may be in a condition for allowance subject to the proviso that they be re-drafted to delete claims reading on non-elected inventions. In response thereto, the applicants have amended claims 2, 6, 8, 10, 12, 14, and 15 to read on only those SEQ ID NOs under examination. No new matter has been added by these amendments.

The specification has been amended to include cross-reference to related applications PCT/US98/26457 and U.S. provisional application 60/069,747.

A Supplemental Information Disclosure Statement (PTO 1449) is attached which discloses several citations (copies of the non-patent citations are enclosed) which had come to the attention of the applicants' attorney between the date of the telephonic interview on December 9, 2002, and the date of the present amendment. The citations are not believed to disclose or render obvious the ART polypeptides and ART fusion polypeptides of the present invention or the method of the present invention for determining whether a substance is an inhibitor or enhancer of the binding of the ART polypeptide to a melanocortin receptor, a functional inhibitor of the antagonistic effect of an ART polypeptide on a melanocortin receptor, or an inhibitor of the effect of an ART polypeptide.

I. Priority

The Office Action states that Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. § 371 and 119(e). Specifically, the Office Action states that the application must contain a specific reference to the earlier filed application in the first sentence of the instant application. The applicants have replaced the text "Not applicable" under the section heading "CROSS-REFERENCE TO RELATED APPLICATIONS" with the relevant priority data.

The applicants believe the above amendment renders the application in compliance with the conditions for receiving the benefit of an earlier filing date under 35 U.S.C. § 371 and 119(e).

II. Election/Restrictions

In response to Applicants' election of the species of SEQ ID NO:7 in Paper No. 12, the Examiner had indicated that a search and examination of all sequences that are directed to a fragment of the human ART protein of amino acids 76-132 would not be an undue burden. According to the Office Action, the following SEQ ID NOs were searched and examined: 1-3, 6-8, 15, and 16. Examiner Kemmerer confirmed this statement in the telephonic interview on December 9, 2002.

With respect to SEQ ID NO:8, it is noted that this species consists of an ART polypeptide containing amino acids 1-26 and 75-131 of the *mouse* ART protein. Consequently, Applicants propose that a search of SEQ ID NO:8 would necessarily include a search of SEQ ID NOs: 9-12, which also consist of ART polypeptides containing amino acids 1-26 and/or 75-131 of the *mouse* ART protein. Therefore, Applicants have amended the claims to include SEQ ID NOs: 1-3, 6-12, 15, and 16.

In light of the above, the applicants believe the claims reading on non-elected species have been amended to conform with the election.

III. Claim Objections

Claims 1, 2, and 4-16 were objected to because the claims embraced non-elected inventions.

The applicants have amended claims 2, 6, 8, 10, 12, 14 and 15 to include only those species currently under examination. In light of the above, in which the applicants proposed that SEQ ID NOs: 1-3, 6-12, 15 and 16 be included in the current election of species, it is believed that independent claims 1 and 4 are in condition for allowance as originally drafted. In addition, the applicants believe that the amendments to claims 2, 6, 8, 10, 12, 14 and 15 overcome the objection to the remaining dependent claims.

Claim 3 was objected to as being dependent upon a rejected base claim, namely Claim 2.

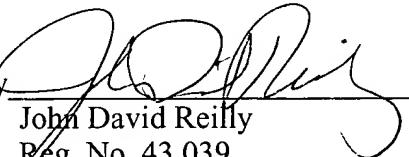
The Office Action suggested that Claim 3 would be allowable if drafted in independent form. Applicants believe that the amendment to Claim 2, which deletes reference to the non-elected species, renders this objection moot.

In light of the above, the applicants believe that Claims 1, 2, and 4-16 are in condition for allowance and respectfully request that the objections be removed and the claims allowed.

IV. Summary

The applicants believe that Claims 1-16 are in condition for allowance. The applicants respectfully request that the rejections be withdrawn and a Notice of Allowance be forwarded to the applicants.

Respectfully submitted,

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